

**REMARKS**

Claims 1-54 were pending with claims 2, 6, 7, 9, 12, 19, 26, 29, 34, 38, 44, and 49 being withdrawn from consideration. By this response, applicant amends claims 1, 28, and 43, and cancels claims 13, 37, and 47. As a result, claims 1, 3-5, 8, 10, 11, 14-18, 20-25, 27, 28, 30-33, 35, 36, 39-42, 45-48, and 50-54 are pending for examination with claims 1, 28, and 43 being independent claims. No new matter is added.

**Summary of Examiner Interview Responsive to December 28, 2007 Paper**

Initially, Applicant's representative Walt Norfleet thanks the Examiner for the courtesies extended during the January 28, 2007 interview, during which the paper mailed on December 28, 2007 was discussed. Specifically, it was pointed out that features previously added to claims 1, 28, and 43 by Amendment are shown explicitly in Figure 9. Agreement was reached that claims 1, 28, and 43 read on the elected species. Comments made during the interview are summarized herein.

**Claims 1, 28, and 43 Read on the Elected Species**

Claims 1, 28, and 43 were amended to incorporate the features of dependent claims 13, 37, and 47, respectively, (among other features). Each of claims 13, 37, and 47 were identified as reading on the elected species of Figure 9 in the paper submitted by the Applicant on March 5, 2007, and were subsequently examined by the Patent Office. The Patent Office has since, in the paper mailed December 28, 2007, taken the position that these features are only associated with the species of Figure 25. Applicant respectfully disagrees.

Independent claims 1, 28, and 43 were amended to recite an audio recorder, sound recording means, and a sound storage step, respectively, among other features. These features correspond to the photographic device 3 that is shown in Figure 9 of the elected species. In support, Applicant respectfully directs the Examiner to paragraph [0241] which describes that sound may be recorded with pictures by the photographic device (3). Admittedly, the text of paragraph [0241] is referencing a first example associated with Figure 7, and not the elected species. However, paragraph [0263] clarifies that the features of the first example, discussed with reference to Figure

7, also apply to the second example associated with Figure 9 – the elected species, which also shows the photographic device (3). Accordingly, the audio recorder, the sound recording means, and the sound storage step are associated with the elected species, among others, as agreed during the interview.

Independent claims 1, 28, and 43 are also amended to recite extracting sound, sound storage means, and extracting sounds, respectively, among other features. These features correspond to the picture database 15, also illustrated in the elected species Figure 9, which is said to be capable of storing audio data that is recorded with pictures in paragraph [0464]. Accordingly, these features are associated with the elected species, among others, as agreed during the interview.

Independent claims 1, 28, and 43 read on the elected species, as discussed above, such that the amendment submitted on September 14, 2007, incorporated herein in its entirety as requested by the Examiner, is fully responsive, as agreed by the Examiner during the January 28, 2008 interview.

**Independent Claims 1, 28, and 43 are Patentable**

Claims 1, 3, 4, 5, 8, 10, 11, 24, 25, 27, 28, 30-33, 35, 37, 39-43, 45-48, and 50-54 stand rejected under 35 USC 102(e) as being anticipated by Kinjo (US 2003/0103149). Claims 13-18 and 20-23 stand rejected under 35 USC 103(a) as being obvious over Kinjo. Claim 36 stands rejected under 35 USC 103(a) as being obvious over Kinjo in view of Westion (US 6608563). Claims 41 and 48 stand rejected under 35 USC 103(a) as being obvious over Kinjo in view of Yamagishi (US 6,327,001). Applicant amends claims 1, 28, and 43 to further define distinctions over the applied references.

*Independent Claim 1*

Claim 1 is amended to incorporate the subject matter of claim 13, which is hereby cancelled.

As amended, claim 1 defines a picture production system that comprises, among other features, a medium including storage means from or into which data, including audio data, is read or

written. At least one photographic device for taking pictures is fixed at a predetermined place. The system also comprises at least one information processing apparatus that includes an audio recorder for recording sound at the predetermined place. A picture production apparatus produces a picture with sound, based on the picture extracted from the pictures taken by the at least one photographic device and sound recorded by the information processing apparatus. The picture is produced by extracting a picture, in accordance with an action of a user using the medium, from pictures taken by the at least one photographic device based on the data recorded in the medium, and by extracting sound, in accordance with an action of a user using the medium, from sounds recorded by the at least one information processing apparatus.

Kinjo relates to an image identifying apparatus that identifies and captures an image of a person as a subject in an image, and may be used to trace a person, such as while the person is at a theme park or when the person participates in sports. (See generally, paragraph 0005, 0007, 0011 and 0117). As pointed out in the office action, Kinjo mentions that voice may be added to an image. (See generally, 0015). However, Kinjo teaches adding voice for the purpose of providing an explanatory message concerning a shot date/time or position, or possibly for adding advertisement information. There is no mention in Kinjo of recording audio of the subject itself and adding such audio to an image.

In the rejection of claim 13, the features of which are now incorporated into claim 1, the Examiner acknowledges that Kinjo fails to disclose a medium that is loaded or integrated into an information processing apparatus providing with a recording function. Additionally, Kinjo fails to teach or disclose an audio recorder for recording sound at the predetermined place (which is also where the photographic device takes a picture), as claim 1 is amended to recite. Kinjo also fails to teach or disclose a picture production apparatus that produces a picture with sound, based on a picture extracted from the pictures taken by at least one photographic device and sound recorded by an information processing apparatus by extracting a picture and extracting sound, in accordance with an action of a user using the medium, from sounds recorded by the at least one information

processing apparatus. Although Kinjo does mention adding sound to a picture, the sounds is not recorded at the predetermined place (i.e., where the picture is taken).

For at least the above reasons, the rejection of independent claim 1 is overcome. Claims depending from claim 1 are patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

*Independent Claim 28*

Claim 28 is amended to incorporate the subject matter of claim 37, which is hereby cancelled, and some additional features not previously recited in claim 37.

As amended, claim 28 defines a picture production apparatus. The picture production apparatus comprises, among other features, a picture storage means for storing pictures from at least one photographic device which is disposed at a predetermined place to take pictures and a sound recording means for recording sound from the predetermined place. The apparatus also comprises a picture production apparatus for producing a picture with sound by extracting a picture, in accordance with an action of a user using the medium, from pictures stored in the picture storage means based and extracting a sound, in accordance with an action of a user using the medium, from the audio data stored in a sound storage means.

For reasons similar to those discussed above, claim 28 is patentable over Kinjo. Kinjo fails to disclose a sound recording means for recording sound from the predetermined place, where the photographic device is also disposed. Kinjo also fails to disclose a picture production apparatus for producing a picture with sound by extracting a sound from audio data stored in the sound storage means.

For at least the above reasons, the rejection of independent claim 28 is overcome. Claims depending from claim 28 are patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

*Independent Claim 43*

Claim 43 is amended to incorporate the subject matter of claim 47, which is hereby cancelled, and some additional features not previously recited in claim 47.

As amended, claim 43 defines a picture production method. The method comprises, among other aspects, a picture storage step of storing pictures from at least one photographic device which is disposed at a predetermined place to take pictures and a sound storage step of storing sound that is recorded from the predetermined place to take pictures. The method also comprises a picture production step of producing a picture with sound by extracting a picture from pictures stored in the picture storage step and extracting sound from sound stored in the sound storage step.

Claim 43 is patentable over Kinjo, at least because Kinjo fails to disclose a sound storage step of storing sound that is recorded from the predetermined place to take pictures. Kinjo also fails to disclose a picture production step of producing a picture with sound by extracting a picture from pictures stored in a picture storage step and extracting sound from sound stored in a sound storage step.

For at least the above reasons, the rejection of independent claim 43 is overcome. Claims depending from claim 43 are patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that this application is in condition for allowance. Should the examiner believe that anything further is desirable to place the application in better condition for allowance, the examiner is invited to contact the applicant's undersigned representative at the telephone number listed below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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